UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ALFREDO ZARATE and JENNIFER ZARATE, as husband and wife,

Plaintiff,

Case No.: 2:09-cv-01973-RLH-LRL

ORDER

vs. MORTGAGE ELECTRONIC

REGISTRATION SYSTEMS, INC., a Delaware)
Corporation; AGEIS; AURORA LOAN
SERVICES; CITIMORTGAGE, INC.; DOES I)
through XX, inclusive; and ROE
CORPORATIONS, I THROUGH XX, inclusive,

Defendants.

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On June 2, 2010, the Court entered a Notice of Intent to Dismiss Pursuant to FRCP 4(m) (#24) due to Plaintiffs Alfredo and Jennifer Zarate's failure to provide the Court with proof of service for Defendants AGEIS. Plaintiffs did not respond.

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BACKGROUND

Plaintiffs purchased the real property located at 579 Battle Mountain Drive, in Las Vegas, Nevada, in January 2006. Plaintiffs' claims stem from their allegations that Defendants conspired to place Plaintiffs in a sub-prime loan in order to extract higher fees. (Dkt. #1, Pet. for Removal Ex. A, Complaint ¶ 13.)

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On July 17, 2009, Plaintiffs commenced this action in the Eighth Judicial District
Court of the State of Nevada. On October 12, Defendants Citimortgage and Mortgage Electronic
Registration Systems, Inc. ("MERS") removed the case to this Court on the basis of diversity
jurisdiction. However, Plaintiffs later stipulated to the dismissal of Citimortgage and MERS.
(Dkt. #15, Order, Nov. 18, 2009.) On March 18, 2010, Defendant Aurora Loan Services filed a
Motion to Dismiss (#17), which the Court granted. (Dkt. #23, Order, May 21, 2010.) As a result,
AEGIS is the only remaining Defendant is this case.
DISCUSSION
Rule 4(m) of the Federal Rules of Civil Procedure states, "If a defendant is not
served within 120 days after the complaint is filed, the court—on motion or on its own after notice
to the plaintiff—must dismiss the action without prejudice against that defendant or order that
service be made within a specified time." Plaintiffs have failed to provide the Court with proof of
service for Defendant AEGIS despite the Court's notice of intent dismiss. The Court therefore
dismisses this action.
CONCLUSION
Accordingly, and for good cause appearing,
IT IS HEREBY ORDERED that Defendant AEGIS is dismissed. The Clerk of the
Court is directed to close this case.
Dated: July 12, 2010.
Lover L. Hant
ROGER L. HUNT Chief United States District Judge
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